

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: December 17, 1973, by Pltff.

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>W. FRED PHILLIPS, Plaintiff,</p> <p>vs.</p> <p>CHARLES J. DAVIS, Defendant.</p> <p>and</p> <p>J. R. GATES, Party Defendant.</p>	<p>For plaintiff:</p> <p>Joseph P. Jenkins <i>302 E. Elkhorn Ave</i> West Park Center <i>PO Box 1990</i> Estes Park, Colorado 80517 (303) 586-2496 <i>(715) 8-327-1111</i></p> <p>H. Corky Bishop Suite 308, Center Office Bldg. 630 West 7th Street Tulsa, OK 74127 (918) 622-5391 <i>582-6139</i></p> <p>Gary D. Mallow P. O. Box 673 Grove, Okla. 74344 <i>918-786-2971</i></p> <p>For defendant:</p> <p><i>583-3195</i></p> <p>Richard D. Gibbon (Chas. Davis) 217 Pythian Bldg <i>310 B. 1000 Bldg.</i> Tulsa, Oklahoma 74103</p> <p>Robert S. Gee Ben T. Owens (Chas. Davis & Wallace and Owens J. R. Gates) P.O. Box 1168 Miami, OK 74354 <i>542-5501</i></p> <p>Jack Focht (J. R. Gates) Suite 830, 200 West Douglas Wichita, KS 67202 267-5293 <i>316</i></p>
<p>For Deft. J.R. Gates:</p> <p><i>525 Bacon Bldg</i> John A. Gladd Court Arcade Bldg. Tulsa, OK 74103 (918) 582-5207 <i>583-3195</i></p>	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>1-1-74</i>	Clerk	12-17-73	Bishop	15.00	
J.S. 6 mailed <i>11-1-78</i> 10-26-78	Marshal	12-20-73	C/D #22		15 00
Basis of Action: Wire Tapping.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-17-73	Complaint filed and Summons issued. v	
12-17-73	Demand for Trial by Jury, filed by Pltf. v	
12-28-73	Summons, ret. & filed: served Charles J. Davis, Afton, Ok. 12-26-73. (USM \$22.68)g	
1-15-74	Application to Extend time to File Ans. to Complaint, filed. jj	
1-15-74	Order, filed, Extending Time to File Ans. to Complaint, ⁶⁻¹⁻³⁰⁻⁷⁴ (JSC-Clk)jj	
1-30-74	Answer of defendant, Charles J. Davis, filed. ds	
2-5-74	Pltf's Notice of Intention to Take Oral Deposition, filed. ³ Summons issued.jj	
3-1-74	MO: Parties are directed to hold PT conference prior to 4-5-74 and file PT order not later than 4-12-74. (AEB-J)v	
4-12-74	Mo/of pltf. for ext. of time to file PT Order, filed.	
4-12-74	Brief in support of mo/ext. of time, filed. rm <i>oto 9 on 4/17/74</i>	
4-12-74	Motion of pltf. for leave to file amended complaint and add addl. party def., filed. rm	
4-12-74	Brief in support of mo/amend compltf., filed. rm <i>oto 9 on 4/17/74</i>	
4-16-74	<u>ORDER</u> , filed, that Pltf. is granted leave to file an Amended Complaint and to add J. R. GATES as party Deft. (AEB-J)v	
4-16-74	AMENDED COMPLAINT for Damages, filed. v	
4-17-74	Summons issued, w/ Amended Complaint. e	
4-23-74	Pltf's notice of intention to take oral depositions of Harold Leap and Gary Cornwell in K.C., Mo., filed. g	
4-25-74	Order, filed, granting pltf. & def. to 5/31/74 to file PT Order.(AEB-J)rm <i>copy</i>	
5-17-74	Summons, ret. & filed: served J. R. Gates, Wichita, Ks., 4-22-74. (USM \$5.44)g	
5-31-74	Mot. of pltf. for ext. of time to file pre-trial order, filed.	
5-31-74	Brief in support of pltf's mot. for ext. of time to file pretrial order, filed. g <i>copy</i>	
6-5-74	Request for production of documents under Rule 34, filed. ds	
6-6-74	Pltf's notice of intention to take oral deposition, filed. hm	
6-10-74	Order, filed, granting parties until 7-10-74 to file pre-trial orders. (AEB-J)g copies mailed	
6-11-74	Answer of Defendant J. R. Gates, filed. LM	
6-13-74	Pltf's Notice of Intention to take Oral Deposition, filed. LM	
6-21-74	<u>Response</u> of Deft. Chas. J. Davis to request for production of documents and <u>MOTION</u> for protective order, filed. v	
6-21-74	Brief in Support of Motion for Protective Order, filed. v	
6-21-74	Ordered by the Court that Pltf. is granted 10 days from this date to respond to Deft. Davis' motion for protective order. (AEB-J)v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-1-74	Depositions of Ben T. Owens, Wm. N. Schuelien, Merille K. Garrette & Robert S. Gee on behalf of pltf., filed. (\$136.00)g	
8-2-74	Answer of Def. Charles J. Davis to Amended Complaint, filed.k	
8-2-74	Pltf's Interrogatories to Def. Charles J. Davis, filed.k	
8-28-74	Answers to Interrogatories Propounded to Deft. Charles J. Davis, filed. lm	
9-6-74	Pltf's Notice of Intention to take oral deposition, filed.k	
9-17-74	Pltf's memorandum of law, filed. k <i>copy to MC/MLB</i>	
9-26-74	Supplement to Pltf.'s Memorandum of Law, filed. v -copy to MC.	
10-23-74	Pltf. notice of intention to take oral depositions of Phillip L. Waisblum in K. C., Mo. on 11/8/74, filed. rm	
10-24-74	DEPOSITION of W. Fred Phillips on behalf of defendants on 10-1-74 in Tulsa, Oklahoma before Jimmie J. Reed, CSR, (\$77), filed. lm	
11-25-74	Request to file response & brief in support thereof out of time, filed.k <i>I</i>	
11-26-74	Order, filed, granting pltf. leave to file response to Deft's Request for Protective Order out of time. (AEB-J)k cps mld	
11-27-74	Response of pltf. to deft. Davis's Motion for Protective Order, filed.k	
12-2-74	MO: It is ordered by the Court that deft. Davis's Mot. for Protective Order is referred to Magistrate Bradford for hearing & recommendation. (AEB-J)k <i>file to MLB</i>	
1-15-75	Case called for hearing on Pltf's motion for production of instruments. Parties represented. Pltf's motion to produce tax returns sustained; Pltf's motion for production of financial statements overruled. By agreement of all parties, execution of Order is to be held in abeyance for a period of 20 days within which time defts are to file motion for summary judgment. If motion for summary judgment is denied then defts will furnish copies of tax returns to Pltf. within 10 days from the date of order overruling motion for summary judgment. Pltf. counsel to prepare formal order & Findings & Recommendations within 5 days. (MLB-Mag)b	
1-29-75	Findings and Recommendations, filed.(MLB-Mag) b	
1-30-75	ORDER granting Deft. Charles J. Davis twenty (20) days within which to file Motion for Summary Judgment & that upon hearing motion & its being overruled, then it is further ordered that Deft. Davis produce income tax returns requested to be examined by Pltf's atty., filed.(AEB-J)b	
2-10-75	Deft. Charles J. Davis's Motion for S/J, filed. k	
2-10-75	Memorandum brief in support of mot. for S/J of deft. Davis, filed.k	
2-10-75	MO: It is ordered by the Court that pltf. is granted 10 days from this date to respond to deft. Davis's mot. for S/J. (AEB-J)k cps mld	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-20-75	Pltf's response to deft. Davis's Mot. for S/J, filed.k	
2-20-75	Pltf's request fo file response to deft's mot. for S/J out of time, filed.k	
2-20-75	Brief in support of pltf's mot. to file amendment to response to Deft's mot. for S/J out of time, filed.k	
2-21-75	Order, filed, granting pltf. until 3-26-75 to file amended brief in response to deft's mot. for S/J. (AEB-J)g	
3-19-75	MO: Case referred to Mag. Bradford for heq. & rec. repending mots. (AEB-J)k	
3-26-75	Amendment to pltf. response to def. Davis' mo/SJ, filed. rm	
3-28-75	MO: Ordered by the Court that Deft. Davis is given 10 days from this date to file reply brief to Pltf's/amended response to Deft's motion for S/J. (AEB-J)b ltr mld	
4-7-75	Response of Deft. to Pltf.'s Amendment to Pltf.'s Response to Deft.'s mot. for summary judgment, filed. v	
4-16-75	Case called for hearing on Deft Davis 's motion for S/J. Parties present. Motion is overruled. Pltf. to prepare order & Findings & Recommendations in 5 days.(MLB-Mag) b	
4-22-75	Findings & Recommendations of Magistrate, filed.(MLB-Mag) b cps mld w/brief attached	
4-30-75	Objs. by def. to F&R of Magistrate/ filed. rm	
4-30-75	MO: Ordered by the Ct. that pltf. is granted 10 days to respond to objs. of def. to F&R of Mag. (AEB-J)rm - ltr.	
5-5-75	MO: Ordered by the Court that case is set for jury trial on 6-9-75, at 10:00 A.M., in Miami, Okla.(AEB-J)b nts mld	
5-5-75	Order, filed, approving recommendation of the Magistrate and denying motion of deft. Charles J. Davis for summary judgment. (AEB-J)g	
5-6-75	MO: IT IS ORDERED that the Ordered heretofore entered 5-5-75, sustaining the Findings & Recommendations of the Magistrate be stricken as being premature, the Court not having had the opportunity to review the objections filed by the Deft. on 4-30-75, & the response to said objections not having been filed of record.(AEB-J)b lts mld	
5-12-75	Reply of pltf. to objs. to F&R of Magistrate, filed. rm	
5-30-75	MO: At the request of Pltf., IT IS ORDERED that this case set for jury trial on 6-9-75, at Miami, is hereby stricken from jury docket to be reset on the next jury docket.(AEB-J)b lts mld	
6-5-75	DEPOSITION OF DUKE LOGAN ON BEHALF OF THE PLTF W. FRED PHILLIPS ON 4-4-74 in Miami, Oklahoma before Millie Ballard, CSR, no fees indicated, filed.mm	
6-5-75	DEPOSITION OF J. R. GATES ON BEHALF OF THE PLTF W. FRED PHILLIPS on 4-3-74 in Wichita, Kansas, before Millie Ballard, CSR, no fees in dicated, filed. mm'	

PLAINTIFF W. Fred Phillips	DEFENDANT Charles J. Davis	DOCKET NO. _____ PAGE <u>4</u> OF _____ PAGES
-------------------------------	-------------------------------	--

DATE	NR.	PROCEEDINGS
6-5-75		DEPOSITION OF GAYLE L. EDMONDSON ON BEHALF OF PLTF, W. FRED PHILLIPS, on 4-4-74 in Miami, Oklahoma before Millie Ballard, CSR, no fees indicated./mm filed
6-5-75		DEPOSITION OF DR. N. A. COTNER ON BEHALF OF THE PLTF., W. FRED PHILLIPS on 4-4-74 in Miami, Oklahoma before Millie Ballard, CSR, no fees indicated, filed. mm
6-5-75		DEPOSITION OF WILLIAM G. DAVIS ON BEHALF OF THE PLTF., W. FRED PHILLIPS on 4-3-74 in Wichita, Kansas before Millie Ballard, CSR, no fees indicated, filed. mm
6-5-75		DEPOSITION OF GEORGE OVERTON ON BEHALF OF THE PLTF., W. FRED PHILLIPS on 4-4-74 in Tulsa, Oklahoma before Millie Ballard, CSR, no fees indicated, filed. mm
6-5-75		DEPOSITION OF W. FRED PHILLIPS ON BEHALF OF THE DEFENDANT CHARLES J. DAVIS on 2-26-74 in Tulsa, Oklahoma before Millie Ballard, CSR, no fees indicated, filed. mm
6-5-75		DEPOSITION OF CHARLES J. DAVIS ON BEHALF OF THE PLTF., W. FRED PHILLIPS on 2-25-74 in Tulsa, Oklahoma before Millie Ballard, CSR, no fees indicated, filed. mm
6-23-75		DEPOSITIONS OF GARY CORNWELL AND HAROLD D. LEAP filed on behalf of plaintiff, filed. sw
7/18/75		Supplemental brief on "Right of Privacy" in support of def.'s Motion for Summary Judgment. filed. sw
10-14-75		Offer of Deft. of Additional Exhibit to Mot. for Summary Judgment, filed. v
<u>1976</u>		
1-14		Order overruling mot. of deft. Chas. J. Davis for S/Judg., filed. (AEB-J)g
1-14		Order directing all discovery matter concluded within 30 from this date; parties to have PT conference within 10 days thereafter and PT order submitted 5 days thereafter; case then to be set for trial on next jury docket after filing PT order, filed. (AEB-J)g
1-29		Pltf's notice to take depositions, filed. ph
2-6		Motion to Stay Deposition, filed. t
2-6		Brf. in support of Mot. to stay deposition, filed. t
2-9		Order, filed, that scheduled dep. of Leslie Ferris on 2-9-75, at 4:30 p.m. is stayed until further order of this court. (AEB-J)jj copies mailed
2-13		Deft.'s interrogatories to pltf, filed. k

CIVIL DOCKET CONTINUATION SHEET

JUDGE BARROW

PLAINTIFF		DEFENDANT	DOCKET NO. _____
W. Fred Phillips		Charles J. Davis	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
2-9-76		Return on Service of J. R. Hall, Jr., Less Farris, Nate Emery, Kent Jeffries, Don Wiley, Allen Matthews, Jess Heck and Pete Crow, all served in Miami, Oklahoma on 2-5-76, filed. t	
2-9		Civil Subpoena Duces Tecum, ret & filed: Served Jenkin Lloyd Jones, Jr. at Tulsa, OK, on 2-9-76; served Sid Steen, Exec. Editor, Tulsa World, at Tulsa, OK on 2-9-76. (USM \$4.00) ph	
2-17		Return on service; served Robert Cooper, Editor, Joplin Globe, Joplin Missouri on Feb 9, 1976. Fees \$20.00 t	
2-23		Depositions of ALLAN MATTHEWS, JESS HECK, BEN OWENS, JOHN WALLACE, J. R. HALL, PETER CROW, and DON WILEY taken on behalf of pltf. on 2-9 and 2-10 before Anita L. Hughes, LSR, filed. lm	
2-23		Depositions of N. J. Emery and Kent Jeffries taken on behalf of pltf. on 2-9-76 before Anita L. Hughes (LSR), filed. lm	
3-1		Deposition of Joe Sullens, on behalf of pltf. (\$51.25), filed. g	
3-8		Pltf's motion for production of documents, filed. k	
3-8		Memorandum of law in support of pltf's mot. for production, filed. k	
3-8	MO	It is ordered by the Court that Deft. Charles J. Davis is granted 10 days from this date to respond to pltf's mot. for production of documents. (AEB-J) k cps mld	
3-15		Response of deft. Davis to pltf's mot. for production of documents, and deft's motion for protective order, filed. g	
3-15		Deft's brief in support of mot. for protective order, filed. g	
3-15	MO	Ordered by the Court that pltf. is granted 10 days to respond to deft's mot. for protective order. (AEB-J) g	
3-22		Pltf's answers to interrogatories, filed. g	
3-25		Pltf's reply to response of deft., Charles J. Davis, to Pltf's motion for production, and response to said deft's motion for a protective order, filed. ph	
3-25	MO	Case referred to Mag. Morris L. Bradford for F&R on pltf.'s mot. for production of documents, deft's mot. for protective order, and the responses thereto. (AEB-J) k	
3-30		Application for leave to file supplemental response, filed. lm <i>(replied to)</i>	
3-30	MO	Deft. Davis granted leave to file supplemental response. (AEB-J) g	
3-30		Supplemental response of deft. Davis to pltf's mot. for production and reply to response to mot. for protective order, filed. g	
4-16	MO	Case set for hrg. on pending mots. before Mag. on 5-13-76 at 9:30 a.m. (MLB-Mag) k ntc by KT	
5-13	MO	Case called for hrg. before Mag. on pending mots. Parties present. Mag. finds that pltf's mot. for production of documents should be sustained and that deft's mot. for protective order should be sustained. F&R and proposed Order due w/in 10 days. (MLB-Mag) k	
6-23		Deft. Charles J. Davis' second interrogatories to Pltf., filed. s	
6-23		Deft. Davis' request for production, filed. g	

continued

DATE
1976

PROCEEDINGS

Date Order or
Judgment Noted

8-4	Deft. Davis's motion to compel production and memorandum of authorities in support, filed.k	
8-4	Deft. Davis's motion to compel answers to second interrogs., and memorandum of authorities in support, filed.k	
8-4	MO: It is ordered by the Court that the pltf. file a responsive brief within ten days to the mot. to compel production and answers to second interrogs. of deft. Davis. (AEB-J)k cps mld	
8-6	Pltf's objections to second interrogs. of deft. Charles Davis, fld.k	
8-6	Memorandum of law in support of pltf's objs. to 2nd interrogs., fld.k	
8-16	Pltf's memorandum of law in support of pltf's objections to second interrogatories and motion to produce of deft. Davis, filed.s	
8-23	Findings & Recommendations of the Magistrate, filed, concerning hrg. held 5-13-76. Recommends that pltf's mot. for production be granted and that material requested be delivered to pltf's counsel w/in 20 days. Further, that a Protective Order should be entered directing that said material shall not be shown or revealed to any other person, including pltf., except an accountant chosen by Pltf's counsel. (MLB-Mag)k cps mld	
8-30	Deft's Objections to F & R of Magistrate, filed. b	
8-30	Brief in support of objections to F & R, filed. b	
8-30	MO: It is ordered by the Ct. that the Pltf. file a responsive brief within 10 days to Defts Objections to Findings and Recommendations of Magistrate. (AEB-J)s cps. mld.	
9-3	Pltf's brief in support of findings and recommendations of magistrate, filed.s	
11-16	Order, filed, that pltf's mot. to produce be granted and deft's mot. for protective order be sustained. Deft. Davis is directed to submit to the Clerk w/in 30 days, in a sealed envelope, to be marked by Clerk "Not to be Opened Unless Ordered by the Court", copies of all financial statements in his possession from 7-7-71 to present. Further, that deft. Davis shall file an appropriate pldg. listing financial statements so furnished. Upon proper appl. by pltf. the Court will conduct in camera exam. of said statements. Further, that deft.'s objs. to F&R are sustained in conformity w/ Order. (AEB-J)k cps mld	
11-16	Order, filed, overruling defts. Davis's request for production & mot. to produce, and sustaining objections to 2nd interrogs. propounded by deft. Davis. (AEB-J)k cps mld	
12-10	Pltf's appl. to act as local counsel, filed.k	
12-10	MO: It is ordered by the Court that the defts. are granted 10 days to respond to pltf's appl. to act as local counsel.(AEB-J)k cps mld	
12-22	Deft. Charles J. Davis' response to application for pltf. to act as local counsel, filed.s	
12-27	Appl. of def. Davis for ext. of time to file financial papers, filed.rm	
12-27	Order, filed, granting def. Charles J. Davis 20 days from this date to comply with Ct.'s order directing said def. to furnish financial statements to the Court. (AEB-J)rm-copies mailed	

DATE 1977	PROCEEDINGS	Date Order or Judgment Noted
1-13	MO: Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld	
1-11	Order, filed, that application for pltf. to act as local counsel is denied; further that pltf. obtain local counsel within 20 days.s (AEB-J) cps. mld.	
1-17	Deft's cert. re financial statements, filed. lm	
1-24.	Pltf's motion to permit inspection, filed.lm	
2-1	Entry of Appearance by Okla. counsel for deft Fred Phillips, Gary D. Mallow, filed. lm	
2-4	Deft. Charles J. Davis' objection to pltf's mot. to permit inspection, filed.s	
2-14	Pltf's response to the obj. of deft. Chas. J. Davis to pltf's motion to permit inspection, filed. lm	
2-16	Order, filed. Motion to permit inspection by plaintiff denied./ho <i>Copies Added</i>	
3-11	Pltf notice of memorandum of law. fld. ho (AEB-J)	
3-14	Pltf's mot. for leave to file second amended complaint for damages, filed.k	
3-14	Memorandum in support of pltf's mot. for leave to file second amended compl. for damages, filed.k <i>to m.c.</i>	
3-15	MO: It is ordered by the Court that the pltf. is hereby granted leave to file second amended compl. for damages. (AEB-J)k cps mld	
3-15	Pltf's Second Amended Complaint for Damages, filed.k	
3-24	Pretrial order, fld. (AEB-J)v -cps. mld.	
4-12	MO: Case set for Jury trial on 5-9-77, at 9:30 A.M. (AEB-J)b nts cert. ml w/affid.	
4-25	Pltf. additional exhibits and witness. fld. ho	
5-2	Depositions of Wm. G. Davis & Loren E. Hill taken on behalf of the pltf. by Michael Burns, C.S.R., on 4-27-77. (\$76.70 billed to pltf's atty.) njb	
5-2	Subs., ret. & filed: served Paul Vassar 4-18-77, J. DeWayne Schmidt 4-20-77, Loren Hill 4-22-77, George L. Overton & Wm. G. Davis on 4-25-77. (USM \$32.32)g	
5-3	Pltf. requested instructions. fld. ho	
5-3	Pltf. requested Voir Dire. fld. ho	
5-3	Pltf. trial brief. fld. ho	
5-3	Deft. Charles J. Davis, Request to strike from trial docket. w/brief. fld. ho	
5-4	Order, filed, striking case from 5-9-77 trial docket. Further ordered that the Court will entertain the question, prior to resetting of case, of collateral estoppel when judgment in 8th Circuit Court of Appeals, U.S. v. Phillips is final. Parties are to advise the Court and file proper mots. & pleadings after disposition of said case. (AEB-J)k cps mld & ntc by phone	
5-5	Robert S. Gee mot. to quash subpoena with affidavit of Robert S. Gee fld. ho	
5-9	Return on USM service of subpoena, filed. Served Gary Cornwell, Special Attorney, by serving Sharon Hutsler, Secretary, on 5-4-77, at Kansas City, MO, w/ fees of \$3.00.k	
5-11	Order, filed, that mot. to quash of Robert S. Gee is overruled as being moot. (AEB-J)k cps mld	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1977		
5-17	Ret. of USM service of Subpoena, fld. Unserved Harold D. Leap, DEA Representative to Interpol. ho	
5-24	Depo. of Robert Lollar and Merle Garrette taken on behalf of the Pltf. before Millie Ballard, CSR in Miami, OK . fld. ho	
11-28	Order from 10th Circuit, filed, denying Fred Phillips petition for writ of mandamus and directing district court to proceed with disposition of this case. rm	
11-29	MO: Case is set for jury trial on 1-9-78, at 9:30 A.M. (AEB-J)b nts cert mld w/affid	
12-20	Defts. mot. for S/J. w/brief in supp. fld. ho	
12-20	MO: It is ordered that the Pltf. is granted 10 days to file a responsive brief to Defts. mot. for S/J. (AEB-J) cps mld. ho	
12-20	MO: Case stricken from 1-9-78 jury docket pending decision on mot. for S/J. (AEB-J)k/mc	
12-29	Pltf's response to defts' motion for S/J, filed.k	
12-29	Pltf's motions to strike case from 1-9-78 jury trial docket and for special setting, filed.k cpy to MC	
12-29	Pltf's motion for leave to strike pltf's second claim for relief & to proceed to trial on his first claim only, filed.k	
12-29	Pltf's memorandum of law in support of mot. to strike 2nd claim for relief, filed.k	
12-29	MO: Defts. are directed to file a response w/in 10 days to pltf's motion to strike second claim for relief. (AEB-J)k cps mld	
12-29	Pltf's certificate of service of response, mots. to strike trial setting & mot. for leave to strike pltf's 2nd claim for relief upon all counsel of record.k	
1978		
1-3	Order, filed, that pltf's mot. to strike case from trial docket of 1-9-78 is overruled as being moot, the Court having heretofore, sua sponte, struck said case pending determination of defts' mot. for S/J, and pltf's mot. for special setting is held in abeyance pending the outcome of said mot. for S/J. (AEB-J)k cps mld	
1-6	Defts' appl. for 10 days to respond to pltf's mot. to strike 2nd claim for relief, filed.k O to J	
1-10	Order, filed, granting defts. until 1-20-78 to respond to pltf's mot. to strike 2nd claim for relief. (AEB-J)k cps mld to movant	
1-24	Defts. reply to Pltfs. response to Defts. mot. for S/J. fld. ho	
1-24	Defts. response to Pltfs. mot. to strike Pltfs. second claim for relief. fld. ho	
1-30	Pltf. reply to Defts. response to Pltfs. mot. to strike his second claim for relief. fld. ho	
2-22	MO: Case referred to Magistrate Robert S. Rizley pursuant to Order M-128. (AEB-J)k	
3-9-78	MO: Case set for hearing before Mag. Rizley on Defts' motion for S/J; & on Pltf's motion for leave to strike pltf's second claim for relief & to proceed to trial on his first claim only, on 3-20-78, at 3:30 P.M. (RSR-Mag) b nts by KT	
3-20-78	Pltf. w/drawal of mot. for leave to strike Pltfs. second claim for relief. fld. ho	
3-20	Case called for hearing before Mag. Rizley on pltf's motion for leave to strike pltf's 2nd claim for relief & to proceed to trial on 1st claim only. & on deft's motion for S/J. Parties present. Pltf's motion withdrawn & Deft's motion taken under advisement. (RSR-Mag) b	
6-26	MO: Mag. recommends that defts' mot. for S/J be sustained & deft. counsel directed to prepare F&R and proposed Order w/in 10 days. (RSR-Mag)k ntc by KT	

DATE 1978	PROCEEDINGS	Date Order or Judgment Note
7-25	Mag. F/R, fld. Mag. recommends that the Defts. mot. for S/J be sustained. (RSR-Mag)ho c/m	
8-7	Pltf. mot. for ext. of time to file obj. to Mag. F/R, fld. ho 0 to J.	
8-8	Order, fld, granting ext. of time to file pltf's obj. and memo of law in support until 8-14-78. (AEB-J)ra cps to movant	
8-14	Pltf's objections to F&R of the Mag., filed.k	
8-14	Memorandum of law in support of pltf's objections to F&R of the Mag., filed.k	
8-14	MO: Defts. are granted 10 days to respond to pltf's objections to F&R of the Mag. (AEB-J)k cps mld	
8-24	Defts. appl. to extend time to file response to Pltfs. obj. to F/R of Mag. fld. ho 0	
8-28	Order, filed, granting defts. until 9-13-78 to respond to pltf's objections to F&R of the Mag. (AEB-J)k cps mld to movant	
8-30	Defts Response to objections to Findings & Recommendations of Magistrate, filed. b	
10-20	Memorandum & Order, filed.(AEB-J)b cps mld	
10-20	Judgment, filed & entered, in favor of the Defendants, and against the Pltf. W. Fred Phillips.(AEB-J)b cps mld	
11-16	Notice of appeal by pltf. from judg. of 10/20/78, filed. rm-copies to counsel and USCA	
11-16	Designation of record on appeal by pltf., filed. rm - copy to counsel	
11-16	Motion of pltf. for leave to proceed on appeal in f.p., filed.rm-copy to MC	
11-16	Affidavit of W. Fred Phillips in support of mo/proceed on appeal in f.p., filed. rm (order part of aff.)	
11-20	Affidavit of Joseph P. Jenkins in support of pltf. mo/proceed on appeal in f.p., filed. rm - copy to MC	
11-21	Order (as part of aff.) filed, granting pltf. leave to proceed on appeal in f.p.(AEB-J)rm-copies to counsel and USCA	
12-20	Orig. appeal record (4 vols) transmitted to USCA.rm	
12-21	Letter from 10th Circuit assigning No. 78-2016. rm	
10-30-80	MANDATE & OPINION of 10th Cir., affirming. rm	
11-3	APPEAL RECORD (4 vols) received from 10th Cir. rm	
1983 3-3	DEPOSITIONS returned to counsel. hm	